FAX

Date: December 15, 2005

To: Dan Leavitt, Deputy Director, California High Speed Rail Authority
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From: Lindy Lowe, Coastal Planner, Bay Conservation and Development
                 Commission
                 Phone: (415) 352-3642

Re: Comments on the Notice of Preparation for the Program EIR/EIS
                 for a Bay Area to Central Valley High-Speed Train

Please find attached the Bay Conservation and Development Commission's comments
on the NOP for the Program EIR/EIS. A hard copy of this letter will follow. If you have
any questions or comments, please feel free to contact me at (415) 352-3642 or
lindyl@bcdc.ca.gov.

Making San Francisco Bay Better

December 15, 2005

Dan Leavitt, Deputy Director
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

SUBJECT: Notice of Preparation of a Program Environmental Impact Re-
port/Environmental Impact Statement (Program EIR/EIS) for a Bay
Area to Central Valley High-Speed Train

Dear Mr. Leavitt,

The San Francisco Bay Conservation and Development Commission (BCDC) appreciates the opportunity to review and comment on the Notice of Preparation (NOP) of a Program Environmental Impact Report/Environmental Impact Statement (Program EIR/EIS). Although our Commission has not had the opportunity to review the NOP, these staff comments are based on BCDC's law, the McAteer-Petris Act and the provisions of its *San Francisco Bay Plan* (Bay Plan).

As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for all Bay filling or dredging within the Bay and for shoreline development that occurs within BCDC's jurisdiction, which is defined in the McAteer-Petris Act as 100 feet landward of and parallel to the shoreline of the Bay. BCDC's regulations also require that proposed projects provide the maximum feasible public access consistent with the project to the Bay and its shoreline.

For BCDC's Bay jurisdiction, an essential part of BCDC's regulatory framework is the Commission's Bay Plan. The Bay Plan includes priority land use designations for certain areas around the Bay to ensure that sufficient areas around the Bay are reserved for important water-oriented uses such as ports, water-related industry, parks, wildlife areas, tidal marshes and salt ponds and managed wetlands. With respect to transportation, the Bay Plan includes findings and policies pertaining to transportation projects that identify the issues that BCDC considers when reviewing such projects. Transportation projects are also reviewed to determine consistency with the other relevant findings and policies within the Bay Plan (e.g., public access, tidal marshes and tidal flats, recreation).

Given the potential adverse impacts that transportation projects can have on Bay resources when located along the Bay shoreline, or in the Bay, it is important that the planning and design of these facilities is done in a way that both protects and enhances the Bay as a regional resource, while ensuring the viability of a safe and efficient transportation system for the Bay Area. The NOP for the High-Speed Rail project contains a number of different alignments, some that may have impacts on Bay resources and some that would largely avoid the Bay. If portions of the preferred alignment are located within BCDC's jurisdiction, it is important for project proponents and sponsors to contact BCDC early in the project planning phase in order to identify impacts to Bay resources early enough in the planning process to avoid and mitigate impacts to these resources. Staff has the following comments on the NOP.

The proposed alignments for the High-Speed Rail system in the urban areas near the Bay appear to be designed to use existing rail infrastructure. In locations within BCDC's jurisdiction where new infrastructure must be developed or existing infrastructure must be expanded, the

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alignments chosen should be sited and designed to avoid adverse affects on Bay resources (e.g., tidal marshes, tidal flats, restored areas, habitats that support endangered species) and BCDC priority use areas (e.g., waterfront park, beach, wildlife refuge). Infrastructure placement and improvement within BCDC's jurisdiction should also be designed to minimize the amount of fill in the Bay (fill means earth or any other substance or material including pilings or structures placed on pilings) that is necessary and to provide the maximum feasible public access that would be consistent with the project. The design and siting of new infrastructure should incorporate non-motorized public access and preserve and enhance visual access. Historically, rail lines and roadway infrastructure along the Bay shoreline resulted in adverse impacts on non-motorized public access, recreation and visual access in many communities near the Bay shoreline. The provision of non-motorized pathways, such as the Bay Trail, grade separated crossings and the support of non-motorized access to any proposed rail stations will help to ensure that the High-Speed Rail project is integrated fully into the existing communities and transportation systems.

If a bridge is proposed as part of the project, the McAteer-Petris Act identifies bridges as water-oriented uses that can be approved by the Commission if there is not an alternative upland location for the route and if the fill is the minimum necessary to achieve the purposes of the project. The Bay Plan transportation policies include two policies that pertain to bridges. Policy 3 requires that adequate analysis be done to determine that there is no upland alternative for the route and Policy 4 provides guidelines for constructing and designing a bridge over the Bay.

BCDC's staff look forward to working with the High-Speed Rail Authority on any portions of the Bay Area alignment that cross the Bay or traverse its shoreline. Thank you again for the opportunity to review and comment on the NOP for the Program EIR/EIS. If you have any questions please contact me directly at (415) 352-3642.

Sincerely,

LINDY L. LOWE
Coastal Planner

CC. Andrea Gaut, Permit Analyst